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VIA ECF

Honorable Sidney H. Stein
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *NCUA v. Deutsche Bank National Trust Co.*, No. 14-cv-08919-SHS

Dear Judge Stein:

On behalf of plaintiff NCUA, I write concerning briefing on NCUA's motion to replead following the Second Circuit's August 2, 2018 decision in *NCUA v. U.S. Bank*, 898 F.3d 243.

Pursuant to this Court's August 2, 2018 Order, *see* Dkt. 99, on August 20, 2018, the parties submitted separate proposals for the format and schedule to govern upcoming briefing. *See* Dkt. 100 (Deutsche Bank proposal); Dkt. 101 (NCUA proposal). Under each party's proposal, NCUA's opening submission was to be submitted today. However, the content, structure, and length of NCUA's opening brief will differ in material ways depending on which party's proposal (or possibly a different approach) the Court decides to adopt.

NCUA respectfully requests that, when the Court enters an order setting a briefing schedule, the Court allow at least three business days after the date of that order for the due date of NCUA's opening submission. For example, if the Court were to issue an order today, then NCUA requests that its opening submission be due on or after September 14, 2018.

In the meet-and-confer process, Deutsche Bank requested an adjustment to subsequent deadlines based on the date set for NCUA's opening submission, and NCUA has no objection to that request. NCUA sought but was unable to obtain Deutsche Bank's consent to the relief it requests here, and understands that Deutsche Bank intends to submit a response to this letter.

Respectfully submitted,

/s/ Scott K. Attaway

Scott K. Attaway

Counsel for the NCUA Board, as Liquidating Agent